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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/732,066	12/07/2000	Craig Skinner	24530.01200	9725

7590

05/20/2004

Tobi C. Clinton  
CROSBY, HEAFEY, ROACH & MAY  
P. O. Box 7936  
San Francisco, CA 94120-7936

EXAMINER

TRAN, ELLEN C

ART UNIT

PAPER NUMBER

2134

DATE MAILED: 05/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/732,066

Applicant(s)

SKINNER ET AL.

Examiner

Ellen C Tran

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
NORMAN M. WRIGHT  
PRIMARY EXAMINER

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This action is responsive to communication: original application filed  
7 December 2000.

2. Claims 1-24 are currently pending in this application. Claims 1, 11, and 15 are  
independent claims.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the  
basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language

4. **Claims 1-24** are rejected under 35 U.S.C. 102(e) as being anticipated by Stewart et al.  
U.S. Patent No. 6,732,176 (hereinafter '176).

**As to independent claim 1, “A method of handling network activation between a computer and a carrier, the method comprising: receiving a command to initiate network activation procedures determining a network activation status of the computer sending a request to a device having network activation information; receiving the network activation information from the device”** is taught in '176 col. 7, lines 46-54;

**“and configuring the computer with the network activation information in order to establish network activation with the transport mechanism”** is shown in '176 col. 8, lines 4-34.

As to dependent claim 2, “wherein the received command includes a launch code to initiate a particular network activation procedure” is disclosed in ‘176 col. 8, lines 44-49.

As to dependent claim 3, “wherein the device having network activation information is a single in-line memory module (SIMM) card configured to be compatible with the carrier” is taught in ‘176 col. 6, lines 45-48.

As to dependent claim 4, “wherein the step of determining a network activation status comprises determining if the computer has a current single in-line memory module (SIMM) card that is compatible with the carrier” is shown in ‘176 col. 7, lines 24-54 and col. 8, lines 50-58.

As to dependent claim 5, “wherein the step of determining a network activation status further comprises: determining if the computer was previously network activated with a previous single in-line memory module (SIMM) card; and determining if the previous SIMM card is the current SIMM card” is disclosed in ‘176 col. 10, lines 37-52.

As to dependent claim 6, “wherein the step of determining a network activation status comprises: receiving an activation security key from a user of the computer; and determining if the activation security key is valid for the carrier” is taught in ‘176 col. 11, lines 54-65.

As to dependent claim 7, “wherein the device having the network activation information” is shown in col. 8, lines 35-43;

“is a server of the carrier ” is disclosed in col. 8, lines 9-14.

As to dependent claim 8, “wherein the step: sending and receiving are carried out in a protocol specific to the carrier” is taught in col. 7, lines 24-34.

**As to dependent claim 9, “wherein the network activation information that is received includes an access number that allows the computer to access network services of the carrier”** is shown in col. 2, lines 31-41.

**As to dependent claim 10, “wherein the step of configuring the computer comprises”** is disclosed in ‘176 col. 11, line 66 through col. 12, line 10

**“storing an access number that allows the computer to access network services of the carrier”** is shown in ‘176 col. 12, lines 64-67.

**As to independent claim 11, “A plug-in device configured to be operable in a generic activation framework”** is taught in ‘176 col. 6, line 45-59;

**“the plug-in device comprising: an application program interface (API) tailored to a particular carrier, wherein the API is configured to receive a network activation command from a generic driver device in a computer”** is shown in ‘176 col. 8, lines 35-49.

**As to dependent claim 12,** this claim is substantially similar to claim 2 above and is rejected along the same rationale.

**As to dependent claim 13,** this claim is substantially similar to claim 6 above and is rejected along the same rationale.

**As to dependent claim 14,** this claim is substantially similar to claim 4 above and is rejected along the same rationale.

**As to independent claim 15,** this claim is directed to the computer-readable medium of the method of claim 1 and is rejected along the same rationale.

**As to dependent claims 16-24,** these claims are substantially similar to claims 2-10 above and are rejected along the same rationale.

*Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Olgaard et al.            U.S. Patent No. 6,542,740    issued dated: Apr. 01, 2003


Dusse et al.            U.S. Patent No. 6,647,260    issued dated: Nov. 11, 2003

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ellen C Tran whose telephone number is (703) 305-8917. The examiner can normally be reached on 6:30 am to 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory A Morse can be reached on (703) 308-4789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-5484.

Ellen Tran,  
Patent Examiner  
Technology Center 2134  
5 May 2004

  
**NORMAN M. WRIGHT**  
**PRIMARY EXAMINER**